

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

In re:

SERGE A. GAGNON  
CHRISTINA R. GAGNON,  
  
Debtors.

Case No. 3:13-bk-03963-PMG

Chapter 7

**ORDER ON DEBTORS' MOTION TO DETERMINE SECURED STATUS OF  
REGIONS BANK F/K/A AMSOUTH BANK AND TO STRIP LIEN EFFECTIVE UPON  
DISCHARGE**

This case is before the Court on the Motion to Determine Secured Status of Regions Bank F/K/A Amsouth Bank and to Strip Lien Effective Upon Discharge (Doc. No. 18) (the "Motion") filed by Serge A. Gagnon and Christina R. Gagnon (the "Debtors"), and the Court, having considered Motion, and considering the Motion was served with the negative notice legend pursuant to Local Rule 2002-4, and having neither heard nor received any opposition to the relief requested by the Motion within the time stated by the Motion, it is

**ORDERED**

1. The Motion is granted.
2. The collateral, being real property located at 342 Tuckerton Lane, Jacksonville, Florida (the "Collateral"), is encumbered by a valid first mortgage lien recorded at book 12862 and page 1765 of the Official Public Records of Duval County (the "First Mortgage"), having an unpaid principal balance at the time this Order is entered which exceeds the value of the Collateral.
3. The Collateral is more particularly described as follows:

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION  
FILE NO. 3:13-bk-03963-PMG  
DATE FILED 5/4/14

A part of the John B. Richard Grant in Section 50, Township 2 South, Range 27 East, Commence at a point on the North line of Oakwood Avenue, 1045 feet West of the Southwest corner of Block 6-A, Oakwood Villa Estates, as per plat thereof recorded in Plat Book 8 pages 23, 24 and 25, of the current public records of Duval County, Florida, said point being the Southeast corner of the lands described in that certain Deed of record in Deed Book 93 pages 501, et seq., of the same public records; thence run North 3 degrees, 10 minutes West 269.5 feet to the POINT OF BEGINNING; thence continue North 3 degrees, 10 minutes West 69.5 feet to an iron; thence North 74 degrees, 30 minutes West 62.5 feet to an iron set in the Easterly bank of Strawberry or Mill Creek; thence Southerly along said Easterly bank of Strawberry or Mill Creek and Easterly bank of Arlington River or Big Pottsburg Creek to a point that bears North 81 degrees, 48 minutes West from the Point of Beginning; thence South 81 degrees 48 minutes East 550 feet, more or less to the POINT OF BEGINNING; said lands being the Northerly portion of the lands described in that certain Deed recorded in Deed Book 1090 pages 373, et seq., as well as being the identical lands described in that certain Mortgage recorded in Mortgage Book 1199 pages 276, et seq., both books of the same public records; together with any and all riparian water or littoral rights thereunto appertaining or in anywise belonging.

Together with Grant of Easement for ingress and egress located in Duval County, Florida, and more particularly described as follows:

A part of the John B. Richard Grant, Section 50, Township 2 South, Range 27 East, more particularly described as follows: BEGINNING at the Southeast corner of the property described in the Deed to W. A. Reagan and Lillian Reagan, his wife, recorded in Official Records Book 1648, page 245, current public records, Duval County, Florida; running thence South 3 degrees 10 minutes East 269.5 feet to a point on the North line of Oakwood Avenue; thence running West along the North line of Oakwood Avenue, 37 feet to a point, running thence North 5 degrees 30 minutes East 114.8 feet to a point; running thence North 3 degrees 10 minutes West 135.6 feet to a point; running thence North 11 degrees West 20 feet, more or less, to a point on the Southerly line of the Regan property hereinabove described; and running thence South 74 degrees 30 minutes East 25 feet, more or less, along the South line of the Reagan property hereinabove described to the POINT OF BEGINNING.

4. The Collateral is also encumbered by a junior lien recorded at book 12894 and page 1708 of the Official Public Records of Duval County, Florida (the "Second Mortgage"), which, as of the date of this Order, has no value over and above the First Mortgage upon which the Second Mortgage can attach.

5. Pursuant to 11 U.S.C. § 506(a), the Second Mortgage is wholly unsecured.

6. Notwithstanding the foregoing, this Order is not recordable or enforceable until the Debtors receive a Discharge in this Chapter 7 case (the "Discharge").

7. Upon entry of the Discharge, the Second Mortgage is avoided and extinguished automatically without further order, provided, however, that if the Debtors fail to receive a Discharge, the Second Mortgage shall survive and remain fully enforceable and this Order shall have no further force and effect.

DATED this 3 day of October, 2013 in Jacksonville, Florida.



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Paul M. Glenn  
United States Bankruptcy Judge

Julianna E. Groot is hereby directed to serve a copy of the foregoing order upon all interested parties and file a proof of service within three (3) days of entry of the order.